IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
DEC -7 2016
ARTHUR JOHNSTON
BY ______ DEPUTY

UNITED STATES OF AMERICA

v. CRIMINAL NO. 1:16CR101 HSO-JCG

BENJAMIN FALCON-AGUIRRE

21 U.S.C. § 846
21 U.S.C. § 841(a)(1)
18 U.S.C. § 1952(a)(3)

The Grand Jury charges:

COUNT 1

That from sometime in November 2016 through the date of this indictment, in Hancock County, in the Southern Division of the Southern District of Mississippi and elsewhere, the defendant, **BENJAMIN FALCON-AGUIRRE**, did knowingly and intentionally conspire, with others known and unknown, to possess with intent to distribute in excess of 500 grams of a detectable amount of cocaine hydrochloride, a Schedule II narcotic drug controlled substance and in excess of 500 grams of a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, all as prohibited by Section 841(a)(1), Title 21, United States Code.

All in violation of Section 846, Title 21, United States Code.

COUNT 2

That on or about November 17, 2016, in Hancock County, in the Southern Division of the Southern District of Mississippi and elsewhere, the defendant, **BENJAMIN FALCON-AGUIRRE**, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally possess with intent to distribute in excess of 500 grams of a detectable amount of cocaine hydrochloride, a Schedule II narcotic drug controlled substance, in violation of Section 841(a)(1), Title 21, United States Code, and Section 2, Title 18, United States Code.

COUNT 3

That on or about November 17, 2016, in Hancock County, in the Southern Division of the Southern District of Mississippi and elsewhere, the defendant, **BENJAMIN FALCON-AGUIRRE**, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally possess with intent to distribute in excess of 500 grams of a detectable amount of methamphetamine, a Schedule II narcotic drug controlled substance, in violation of Section 841(a)(1), Title 21, United States Code, and Section 2, Title 18, United States Code.

COUNT 4

That on or about November 17, 2016, in Hancock County, in the Southern Division of the Southern District of Mississippi, the defendant, **BENJAMIN FALCON-AGUIRRE**, did travel in interstate commerce from the State of Texas to the Southern District of Mississippi and elsewhere, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, the unlawful activity being a business enterprise involving the distribution of a controlled substance, that is transporting cocaine hydrochloride and methamphetamine, and thereafter did perform acts and attempt to perform acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of the unlawful activity, in violation of Section 1952(a)(3), Title 18, United States Code.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

As a result of committing the offenses as alleged in this Indictment, the defendant shall forfeit to the United States all property involved in or traceable to property involved in the offenses, including but not limited to all proceeds obtained directly or indirectly from the offenses, and all property used to facilitate the offenses. Further, if any property described above, as a result of any act or omission of the defendant: (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property, which cannot be divided without difficulty, then it is the intent of the United States to seek a judgment of forfeiture of any other property of the defendant, up to the value of the property described in this notice or any bill of particulars supporting it.

All pursuant to Section 853, Title 21, United States Code, Section 981(a)(1)(C), Title 18 United States Code, Section 924, Title 18, United States Code, and Section 2461, Title 28, United States Code.

GREGORY K. DAVIS.
United States Attorney

A TRUE BILL:

s/signature redacted
Foreperson of the Grand Jury

This indictment was returned in open court by the foreperson or deputy foreperson of the grand jury on this the 7th day of December, 2016.

UNITED STATES MAGISTRATE JUDGE